

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION - TOLEDO**

NELDA SUE LUDWIG,)	
)	
Plaintiff,)	
)	
-vs-)	Case No.
)	
NCO FINANCIAL SYSTEMS, INC.,)	
DAVID IMPERIAL, and)	
JOHN DOES 1-2,)	
)	
Defendants.)	

NOTICE OF REMOVAL

NOW COME the defendants and petitioners for removal, NCO FINANCIAL SYSTEMS, INC. and DAVID IMPERIAL, (hereinafter collectively referred to as “NCO”), and with reservation of all rights, hereby removes from the Lima Municipal Court for Allen County, Ohio, Civil Division, the proceeding entitled and captioned matter of *Nelda Sue Ludwig v. NCO Financial Systems, Inc., David Imperial and John Does 1-2*, Case No. 08 CVF 00757, on the basis of federal question jurisdiction.

The Removal Notice is based on the following grounds:

1. This is a civil action, filed February 20, 2008, in which plaintiff alleges causes of action arising under, *inter alia*, the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* See *Plaintiff’s Complaint*, ¶ 1 (“This is an action for damages brought by an individual consumer against Defendants for violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.*”) The FDCPA vests the federal district courts with jurisdiction: “An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of

competent jurisdiction, within one year from the date on which the violation occurs.” 15 U.S.C. § 1692k.

2. The United States district courts therefore have original jurisdiction over such claims under 28 U.S.C. §1331. Accordingly, this Court has federal question removal jurisdiction under 28 U.S.C. §1441(b).

3. Under 28 U.S.C. §1367(a), to the extent plaintiff’s pleading seeks additional relief under Ohio state law for the intentional infliction of emotional distress (*see Plaintiff’s Complaint, Second Claim For Relief*), this Court has supplemental jurisdiction over all such remaining pendent State claim(s) because that claim is so related to the federal claim they form part of the same case or controversy under Article III of the United States Constitution.

4. Venue is proper in this district and division as Allen County, the county in which the State court lawsuit was filed, is within the Northern District of Ohio and the Western Division for Toledo.

5. Process in *Nelda Sue Ludwig v. NCO Financial Systems, Inc., David Imperial and John Does 1-2*, Case No.: 08 CVF 000758, was served or the Complaint setting forth the claim for relief upon which this notice is based was otherwise first received by NCO on February 25, 2008, which was not more than thirty (30) days before the filing of this *Notice of Removal*, and this *Notice of Removal* is being filed within one year of the date suit was first filed in State court in compliance with 28 U.S.C. § 1446(b)(“If the case stated by the initial pleading is removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may be first be ascertained that the case is one which is or has become removable . . .”).

6. Attached and made part of this filing are copies of all process, pleadings and orders served upon NCO in the State court. *See* Exhibit “A.” The verification of counsel is attached hereto as Exhibit “B”. A copy of this notice is also concurrently being filed with the State court and served upon plaintiff.

WHEREFORE, based on this Court’s original federal question jurisdiction, petitioners for removal and defendants, NCO Financial Systems, Inc. and David Imperial, respectfully request this case proceed in this Court as an action properly removed from the Lima Municipal Court for Allen County, Ohio – Civil Division.

Respectfully submitted,

/s/ Emily W. Newman

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Attorneys for Defendants NCO Financial Systems and David Imperial

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February 2008, a copy of the foregoing **NOTICE OF REMOVAL** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy has also been sent via U.S. Mail to the following counsel of record:

Scott C. Florin
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/s/ Emily W. Newman
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